**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.5382 OF 2005**

Appaji Bajarang Bale ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. R.D. Suryawanshi for the Applicant.
Ms M. M. Deshmukh, A.P.P. for the Respondent.

**CORAM : A.S.OKA, J.**
**DATED : SEPTEMBER 06, 2005.**

**P.C.:**

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Advocate appearing for the Applicant pointed out that in the month of May/June of this year the first informant filed a Petition for divorce against the Applicant on the ground of cruelty. He pointed out that the F.I.R. is lodged by the first informant on 02nd August, 2005 making practically the same allegations which are found in the Petition for Divorce.

2. The learned A.P.P. has placed on record the injury certificate of the first informant for showing that on 26th April, 2005, the Applicant assaulted the first informant. The learned A.P.P. submitted that looking to the seriousness of the allegations in the F.I.R., the Applicant is not entitled to any relief.

3. I have considered the submissions. The medical certificate dated 26th April, 2005 appears to have been obtained on the basis of N.C. complaint filed by the first informant on 26th April, 2005. The

injuries are of simple nature. The injuries are contussion and an abrasion on left forearm. The Applicant has filed a Petition for Divorce in the Civil Court in May/June 2005 making allegations of cruelty against the Applicant. The first informant however, waited till 02nd August, 2005 for filing F.I.R. The F.I.R. relates to the events which have taken place till the month of April 2005. Prima facie, there is a gross delay in filing F.I.R.

4. Considering the aforesaid facts and accusation in the F.I.R., it is obvious that undue harassment will be caused to the Applicant if he is taken in custody. Hence, the Applicant is entitled to Anticipatory Bail.

5. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R. NO.I 294 of 2005 registered with Mahatma Phule Chowk Police Station, Kalyan, the Applicant shall be enlarged on bail subject to furnishing P.R. Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that

the Applicant will attend the concerned Police Station as and when called upon to do so till the filing of the chargesheet and will co-operate with the concerned Investigating Officer for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till the chargesheet is filed. Thereafter, he will be free to apply to the appropriate authority for appropriate relief.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy

of this order.

**JUDGE**